

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10cv204**

RDLG, LLC,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
RPM GROUP, LLC, et al.)	
)	
Defendants.)	
_____)	

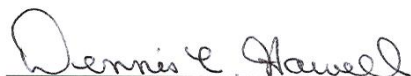
Previously, the Court granted Plaintiff's Motion to Compel and awarded Plaintiff its reasonable fees and costs, including attorneys' fees, in bringing the motion. (Order, Aug. 5, 2015.) The Court scheduled a hearing to determine the reasonable fees and costs. Pursuant to the Court's Order, Plaintiff then filed supporting affidavits setting forth its reasonable fees and costs. Upon a review of the affidavits, counsel for Defendant found the time incurred and the hourly rate charged for bringing the Motion to Compel was reasonable. Defendant only objected to the inclusion of \$712.50 of fees incurred pursuant to this Court's Order directing the parties to brief the issue of whether the Court has jurisdiction to resolve the post-judgment motions while this case is on appeal to the United States Court of Appeals for the Fourth Circuit. In addition, Defendant requested that the Court cancel the September 25, 2015, hearing. Based on the representations of

Defendant that it did not object to the time incurred or the hourly rate charged by counsel for Plaintiff, the Court canceled the hearing.

Upon a review of the record, the affidavits submitted by Plaintiff, and upon consideration of Defendant's response to the affidavits, the Court finds that an award of costs and fees in the amount of \$1560.00 is reasonable and appropriate for bringing the Motion to Compel. The Court agrees with Defendant that the \$712.50 incurred in briefing the issue of whether the Court has jurisdiction should not be included in the award of fees because these fees were incurred as the result of an Order of this Court requesting supplemental briefing on the matter. The Court requested this briefing for matters in addition to the Motion to Compel, as several post judgment motions were then pending before the Court. (Order, May 27, 2015.) Moreover, the Court would have requested the parties file these briefs whether or not Plaintiff had filed the Motion to Compel. Accordingly, the Court finds that the \$712.50 related to the supplemental briefing regarding jurisdiction should not be included in the award of costs and fees.

The Court **AWARDS** Plaintiff its costs and fees in the amount of \$1560.00. Defendant shall have twenty (20) days to provide Plaintiff with payment in the amount of \$1560.00.

Signed: September 30, 2015



Dennis L. Howell
United States Magistrate Judge

